

# EXHIBIT "A"

CAUSE NO. 2018-26579

*David Richmond*

*v. Ocwen Loan Servicing, LLC*

In The District Court of 334<sup>th</sup> Judicial District, Harris County, Texas

**INDEX OF STATE COURT FILE**

<u>#</u>	<u>Document</u>	<u>Date Filed</u>
1.	Docket Sheet	
2.	Plaintiffs' Original Petition	04/19/2018
3.	Civil Case Information Sheet	04/19/2018
4.	Civil Process Request	04/19/2018
5.	Certified Mail Tracking Number 7017 1450 0001 3436 8721	04/19/2018
6.	Domestic Return Receipt	04/30/2018
7.	Defendant's Original Answer and Affirmative Defenses	05/18/2018

**HCDistrictclerk.com**

**RICHMOND, DAVID vs. OCWEN LOAN SERVICING LLC**

**5/23/2018**

Cause: 201826579 CDI: 7 Court: 334

**APPEALS**

No Appeals found.

**COST STATMENTS**

No Cost Statments found.

**TRANSFERS**

No Transfers found.

**POST TRIAL WRITS**

No Post Trial Writs found.

**ABSTRACTS**

No Abstracts found.

**SETTINGS**

No Settings found.

**NOTICES**

No Notices found.

**SUMMARY**

**CASE DETAILS**

**File Date** 4/19/2018  
**Case (Cause) Location**  
**Case (Cause) Status** Active - Civil  
**Case (Cause) Type** Debt/Contract - Debt/Contract  
**Next/Last Setting Date** N/A  
**Jury Fee Paid Date** 4/19/2018

**CURRENT PRESIDING JUDGE**

**Court** 334<sup>th</sup>  
**Address** 201 CAROLINE (Floor: 14)  
 HOUSTON, TX 77002  
 Phone:7133686500  
**JudgeName** STEVEN KIRKLAND  
**Court Type** Civil

**ACTIVE PARTIES**

Name	Type	Post Attorney Jdgm
RICHMOND, DAVID	PLAINTIFF - CIVIL	SWANSON, JASON BERNARD
16351 ROYAL FORT LANE, HOUSTON, TX 77073		
OCWEN LOAN SERVICING LLC	DEFENDANT - CIVIL	LAVIAGE, AMANDA RACHEL
RICHMOND, ANGELIA	PLAINTIFF - CIVIL	SWANSON, JASON BERNARD
16351 ROYAL FORT LANE,, HOUSTON, TX 77073		

OCWEN LOAN SERVICING LLC BY SERVING THE REGISTERED AGENT  
REGISTERED AGENT OF SAID

### INACTIVE PARTIES

No inactive parties found.

### JUDGMENT/EVENTS

Date	Description	Order Signed	Post Jdgm	Pgs Volume /Page	Filing Attorney	Person Filing
5/18/2018	ANSWER ORIGINAL PETITION			0	LAVIAGE, AMANDA RACHEL	OCWEN LOAN SERVICING LLC
4/19/2018	JURY FEE PAID (TRCP 216)			0		
4/19/2018	ORIGINAL PETITION			0	SWANSON, JASON BERNARD	RICHMOND, ANGELIA
4/19/2018	ORIGINAL PETITION			0	SWANSON, JASON BERNARD	RICHMOND, DAVID

### SERVICES

Type	Status	Instrument	Person	Requested	Issued	Served	Returned	Received	Tracking	Deliver To
CITATION SERVICE (CERTIFIED)	RETURN/EXECUTED	ORIGINAL PETITION	OCWEN LOAN SERVICING LLC BY SERVING THE REGISTERED AGENT OF SAID	4/19/2018	4/19/2018	4/30/2018		73485496		CVC/CTM SVCE BY CERTIFIED MAIL

### DOCUMENTS

Number	Document	Post Jdgm	Date	Pgs
80010649	Defendant's Original Answer and Affirmative Defenses:		05/18/2018	2
79816984	Domestic Return Receipt		04/30/2018	2
79568055	Plaintiffs' Original Petition		04/19/2018	6
-> 79568056	Civil Case Information Sheet		04/19/2018	2
-> 79568057	Civil Process Request		04/19/2018	1
79627309	Certified Mail Tracking Number 7017 1450 0001 3436 8721		04/19/2018	2

2018-26579 / Court: 334

NO. \_\_\_\_\_

DAVID RICHMOND AND ANGELIA  
RICHMOND  
Plaintiffs,

V.

OCWEN LOAN SERVICING, LLC  
Defendant.

§ IN THE DISTRICT COURT  
§  
§  
§  
§ \_\_\_\_\_ TH JUDICIAL DISTRICT  
§  
§  
§ OF HARRIS COUNTY, TEXAS

**PLAINTIFFS' ORIGINAL PETITION****TO THE HONORABLE JUDGE OF SAID COURT:**

**NOW COME** David Richmond and Angelia Richmond, hereinafter called Plaintiffs, complaining of and about Ocwen Loan Servicing, LLC, hereinafter called Defendant, and for cause of action show unto the Court the following

**DISCOVERY CONTROL PLAN LEVEL**

1. Plaintiffs intend that discovery be conducted under Discovery Level 2.

**PARTIES AND SERVICE**

2. Plaintiff, David Richmond, is an Individual whose address is 16351 Royal Fort Lane, Houston, Texas 77073

3. David Richmond last three numbers of social security number are XXX-XX-X057.

4. Plaintiff, Angelia Richmond, is an Individual whose address is 16351 Royal Fort Lane, Houston, Texas 77073

5. Angelia Richmond last three numbers of social security number are XXX-XX-X198.

6. Defendant Ocwen Loan Servicing, LLC, a Nonresident Limited Liability

Company, may be served with process by serving the registered agent of said company, Corporations Service Company dba CSC, at 211 E. 7th Street, Suite 620, Austin, Texas 78701-3218, its registered office. Service of said Defendant as described above can be effected by certified mail, return receipt requested.

### **JURISDICTION AND VENUE**

7. The subject matter in controversy is within the jurisdictional limits of this court.

8. Plaintiffs seek:

a. monetary relief over \$100,000 but not more than \$200,000.

9. This court has jurisdiction over Defendant Ocwen Loan Servicing, LLC, because said Defendant purposefully availed itself of the privilege of conducting activities in the state of Texas and established minimum contacts sufficient to confer jurisdiction over said Defendant, and the assumption of jurisdiction over Ocwen Loan Servicing, LLC will not offend traditional notions of fair play and substantial justice and is consistent with the constitutional requirements of due process.

10. Plaintiff would show that Defendant Ocwen Loan Servicing, LLC had continuous and systematic contacts with the state of Texas sufficient to establish general jurisdiction over said Defendant.

11. Plaintiff would also show that the cause of action arose from or relates to the contacts of Defendant Ocwen Loan Servicing, LLC to the state of Texas, thereby conferring specific jurisdiction with respect to said Defendant.

12. Furthermore, Plaintiff would show that Defendant Ocwen Loan Servicing, LLC engaged in activities constituting business in the state of Texas as provided by Section 17.042 of the Texas Civil Practice and Remedies Code, in that said Defendant contracted with a Texas

resident and performance of the agreement in whole or in part thereof was to occur in Texas.

13. The Court has jurisdiction over Defendant because Defendant does business in the State of Texas, including originating, servicing and/or owning loans, which necessarily involves contracting with Texas residents by mail or otherwise when at least one of the parties is to perform the contract in Texas.

14. Venue in HARRIS County is permissive in this cause under Section 15.002(a)(1) of the Texas Civil Practice and Remedies Code because all or a substantial part of the events or omissions giving rise to this lawsuit occurred in this county.

#### **FACTUAL ALLEGATIONS**

15. On November 30, 2016, David Richmond and Angelia Richmond entered into a written contract with Ocwen Loan Servicing, LLC, providing that the Plaintiffs' mortgage terms will be modified in accordance with the agreement and that the Plaintiffs' will make the requisite trial payment of \$1,030.15 ("the Contract"). A copy of the contract is attached as Exhibit A and incorporated by reference.

16. David and Angelia Richmond made the necessary one trial payment of \$1,030.15. Once the payment was made and received by an employee, J. Sanchez, it was misapplied to a July payment. David and Angelia Richmond were notified that they did not receive the modification because they had not completed three (3) consecutive trial payments as dictated in the agreement. The agreement only specified that one trial payment needed to be made. (See Exhibit B). The Plaintiffs continued to make payments as agreed, which were rejected by Defendants and the foreclosure process followed. The Plaintiffs home was subsequently sold at a foreclosure sale.

### **BREACH OF CONTRACT**

17. Plaintiffs incorporate by reference the allegations set forth above as if the same were fully set forth herein.

18. All conditions precedent to the performance of Ocwen Loan Servicing, LLC under the Contract have been met.

19. The contractual obligations of David Richmond and Angela Richmond have been fully performed.

20. Defendant has failed to perform its contractual obligations, specifically, Defendant failed to modify the terms of the mortgage as agreed and instead foreclosed on the home and subsequently sold the home at a foreclosure sale.

21. Defendant's breach of contract described hereinabove has injured Plaintiffs, entitling Plaintiffs to damages as set forth in the contract.

### **DAMAGES**

22. Plaintiffs have sustained damages in excess of this Court's jurisdictional minimum, as a result of the actions and/or omissions of Defendant described hereinabove, including, but not limited to:

- (1) Actual Damages
- (2) Prejudgment and postjudgment interest
- (3) Court Cost
- (4) Attorney Fees
- (5) All other relief to which Plaintiff is entitled.

### **ATTORNEY'S FEES**

23. Request is made for all costs and reasonable and necessary attorney's fees

incurred by or on behalf of Plaintiffs herein, including all fees necessary in the event of an appeal of this cause to the Court of Appeals and the Supreme Court of Texas, as the Court deems equitable and just, as provided by Chapter 38 of the Texas Civil Practice and Remedies Code.

**ALTERNATIVE ALLEGATIONS**

24. Pursuant to Rules 47 and 48, Texas Rules of Civil Procedure and the rules of pleadings, allegations in this petition are made in the alternative.

**PLAINTIFFS HEREBY DEMAND TRIAL BY JURY**

**PRAYER**

**WHEREFORE, PREMISES CONSIDERED,** Plaintiffs, David Richmond and Angelia Richmond, respectfully pray that the Defendant be cited to appear and answer herein, and that upon a final hearing of the cause, judgment be entered for the Plaintiffs against Defendant for damages requested hereinabove in an amount in excess of the minimum jurisdictional limits of the Court, together with prejudgment and postjudgment interest at the maximum rate allowed by law, attorney's fees, costs of court, and such other and further relief to which the Plaintiffs may be entitled at law or in equity, whether pled or unpled.

Respectfully submitted,

PETITE LAW PLLC

By: 

Jason B. Swanson  
Texas Bar No. 24083927  
Email: jswanson@jbslegal.org  
1300 N. Sam Houston Parkway E.  
Suite 175  
Houston, Texas 77032  
Tel. (281) 783-9290  
Fax. (281) 677-4224  
jswanson@petitelaw.com

Attorney for Plaintiffs  
David Richmond and Angelia Richmond

Unofficial Copy Office of Chris Daniel District Clerk

4/19/2018 3:56:13 PM

Chris Daniel - District Clerk

Harris County

Envelope No: 24028322

By: ELDRIDGE, WALTER F

Filed: 4/19/2018 3:56:13 PM

CIVIL CASE INFORMATION SHEET  
2018-26579 / Court: 334

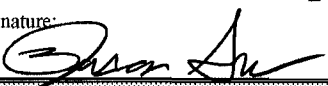
CAUSE NUMBER (FOR CLERK USE ONLY):

COURT (FOR CLERK USE ONLY):

STYLED DAVID RICHMOND AND ANGELIA RICHMOND VS. OCWEN LOAN SERVICING, LLC

(e.g., John Smith v. All American Insurance Co; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or mental health case or when a post-judgment petition for modification or motion for enforcement is filed in a family law case. The information should be the best available at the time of filing.

<b>1. Contact information for person completing case information sheet:</b> Name: Jason B. Swanson Address: 1300 N. Sam Houston Pkwy. E. Suite 175 City/State/Zip: Houston, Texas 77032 Signature:  Email: jswanson@jbslegal.org Telephone: (281) 783-9290 Fax: (281) 677-4224 State Bar No: 24083927		<b>Names of parties in case:</b> Plaintiff(s)/Petitioner(s): David Richmond Angelia Richmond Defendant(s)/Respondent(s): Ocwen Loan Servicing, LLC (Attach additional page as necessary to list all parties)	<b>Person or entity completing sheet is:</b> <input checked="" type="checkbox"/> Attorney for Plaintiff/Petitioner <input type="checkbox"/> Pro Se Plaintiff/Petitioner <input type="checkbox"/> Title IV-D Agency <input type="checkbox"/> Other: _____ <b>Additional Parties in Child Support Case:</b> Custodial Parent: _____ Non-Custodial Parent: _____ Presumed Father: _____
<b>2. Indicate case type, or identify the most important issue in the case (select only 1):</b>			
<b>Civil</b>		<b>Family Law</b>	
<b>Contract</b> <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Consumer/DTPA <input checked="" type="checkbox"/> Debt/Contract <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Other Debt/Contract: _____ <b>Foreclosure</b> <input type="checkbox"/> Home Equity—Expedited <input type="checkbox"/> Other Foreclosure <input type="checkbox"/> Franchise <input type="checkbox"/> Insurance <input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Non-Competition <input type="checkbox"/> Partnership <input type="checkbox"/> Other Contract: _____	<b>Injury or Damage</b> <input type="checkbox"/> Assault/Battery <input type="checkbox"/> Construction <input type="checkbox"/> Defamation <input type="checkbox"/> Malpractice <input type="checkbox"/> Accounting <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional Liability: _____ <input type="checkbox"/> Motor Vehicle Accident <input type="checkbox"/> Premises <input type="checkbox"/> Product Liability <input type="checkbox"/> Asbestos/Silica <input type="checkbox"/> Other Product Liability <input type="checkbox"/> List Product: _____ <input type="checkbox"/> Other Injury or Damage: _____	<b>Real Property</b> <input type="checkbox"/> Eminent Domain/Condemnation <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Trespass to Try Title <input type="checkbox"/> Other Property: _____ <b>Related to Criminal Matters</b> <input type="checkbox"/> Expunction <input type="checkbox"/> Judgment Nisi <input type="checkbox"/> Non-Disclosure <input type="checkbox"/> Seizure/Forfeiture <input type="checkbox"/> Writ of Habeas Corpus—Pre-indictment <input type="checkbox"/> Other: _____	<b>Marriage Relationship</b> <input type="checkbox"/> Annulment <input type="checkbox"/> Declare Marriage Void <b>Divorce</b> <input type="checkbox"/> With Children <input type="checkbox"/> No Children <b>Other Family Law</b> <input type="checkbox"/> Enforce Foreign Judgment <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Name Change <input type="checkbox"/> Protective Order <input type="checkbox"/> Removal of Disabilities of Minority <input type="checkbox"/> Other: _____
<b>Employment</b> <input type="checkbox"/> Discrimination <input type="checkbox"/> Retaliation <input type="checkbox"/> Termination <input type="checkbox"/> Workers' Compensation <input type="checkbox"/> Other Employment: _____	<b>Other Civil</b> <input type="checkbox"/> Administrative Appeal <input type="checkbox"/> Antitrust/Unfair Competition <input type="checkbox"/> Code Violations <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Intellectual Property	<b>Post-judgment Actions (non-Title IV-D)</b> <input type="checkbox"/> Enforcement <input type="checkbox"/> Modification—Custody <input type="checkbox"/> Modification—Other <b>Title IV-D</b> <input type="checkbox"/> Enforcement/Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Reciprocity (UIFSA) <input type="checkbox"/> Support Order	<b>Parent-Child Relationship</b> <input type="checkbox"/> Adoption/Adoption with Termination <input type="checkbox"/> Child Protection <input type="checkbox"/> Child Support <input type="checkbox"/> Custody or Visitation <input type="checkbox"/> Gestational Parenting <input type="checkbox"/> Grandparent Access <input type="checkbox"/> Paternity/Parentage <input type="checkbox"/> Termination of Parental Rights <input type="checkbox"/> Other Parent-Child: _____
<b>Tax</b> <input type="checkbox"/> Tax Appraisal <input type="checkbox"/> Tax Delinquency <input type="checkbox"/> Other Tax	<b>Probate &amp; Mental Health</b> <b>Probate/Wills/Intestate Administration</b> <input type="checkbox"/> Dependent Administration <input type="checkbox"/> Independent Administration <input type="checkbox"/> Other Estate Proceedings <input type="checkbox"/> Guardianship—Adult <input type="checkbox"/> Guardianship—Minor <input type="checkbox"/> Mental Health <input type="checkbox"/> Other: _____		
<b>3. Indicate procedure or remedy, if applicable (may select more than 1):</b>			
<input type="checkbox"/> Appeal from Municipal or Justice Court <input type="checkbox"/> Arbitration-related <input type="checkbox"/> Attachment <input type="checkbox"/> Bill of Review <input type="checkbox"/> Certiorari <input type="checkbox"/> Class Action	<input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Interpleader <input type="checkbox"/> License <input type="checkbox"/> Mandamus <input type="checkbox"/> Post-judgment	<input type="checkbox"/> Prejudgment Remedy <input type="checkbox"/> Protective Order <input type="checkbox"/> Receiver <input type="checkbox"/> Sequestration <input type="checkbox"/> Temporary Restraining Order/Injunction <input type="checkbox"/> Turnover	
<b>4. Indicate damages sought (do not select if it is a family law case):</b>			

- |                                     |  |
|-------------------------------------|--|
| <input type="checkbox"/>            | Less than \$100,000, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees |
| <input type="checkbox"/>            | Less than \$100,000 and non-monetary relief  |
| <input checked="" type="checkbox"/> | Over \$100,000 but not more than \$200,000   |
| <input type="checkbox"/>            | Over \$200,000 but not more than \$1,000,000   |
| <input type="checkbox"/>            | Over \$1,000,000   |

Rev 2/13

Unofficial Copy Office of Chris Daniel District Clerk

4/19/2018 3:56:13 PM  
 Chris Daniel - District Clerk  
 Harris County  
 Envelope No: 24028322  
 By: ELDRIDGE, WALTER F  
 Filed: 4/19/2018 3:56:13 PM

# 2018-26579 / Court: 334

## CIVIL PROCESS REQUEST

FOR EACH PARTY SERVED YOU MUST FURNISH ONE (1) COPY OF THE PLEADING  
 FOR WRITS FURNISH TWO (2) COPIES OF THE PLEADING PER PARTY TO BE SERVED

CASE NUMBER: \_\_\_\_\_ CURRENT COURT: \_\_\_\_\_

TYPE OF INSTRUMENT TO BE SERVED (See Reverse For Types): Original Petition

FILE DATE OF MOTION: April 19, 2018  
 Month/ Day/ Year

SERVICE TO BE ISSUED ON (Please List Exactly As The Name Appears In The Pleading To Be Served):

1. NAME: Corporation Service Company dba CSC

ADDRESS: 211 E. 7th Street, Suite 620, Austin, Tx 78701

AGENT, (if applicable): \_\_\_\_\_

TYPE OF SERVICE/PROCESS TO BE ISSUED (see reverse for specific type): Original Petition

SERVICE BY (check one):

☐ ATTORNEY PICK-UP

☐ CONSTABLE

☐ CIVIL PROCESS SERVER - Authorized Person to Pick-up: \_\_\_\_\_

Phone: \_\_\_\_\_

☐ MAIL

☒ CERTIFIED MAIL

☐ PUBLICATION:

Type of Publication:

☐ COURTHOUSE DOOR, or

☐ NEWSPAPER OF YOUR CHOICE: \_\_\_\_\_

☐ OTHER, explain: \_\_\_\_\_

\*\*\*\*\*

\*\*\*\*

2. NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

AGENT, (if applicable): \_\_\_\_\_

TYPE OF SERVICE/PROCESS TO BE ISSUED (see reverse for specific type): \_\_\_\_\_

SERVICE BY (check one):

☐ ATTORNEY PICK-UP

☐ CONSTABLE

☐ CIVIL PROCESS SERVER - Authorized Person to Pick-up: \_\_\_\_\_

Phone: \_\_\_\_\_

☐ MAIL

☐ CERTIFIED MAIL

☐ PUBLICATION:

Type of Publication:

☐ COURTHOUSE DOOR, or

☐ NEWSPAPER OF YOUR CHOICE: \_\_\_\_\_

☐ OTHER, explain: \_\_\_\_\_

ATTORNEY (OR ATTORNEY'S AGENT) REQUESTING SERVICE:

NAME: Jason B. Swanson TEXAS BAR NO./ID NO. 24083927

MAILING ADDRESS: 1300 N. Sam Houston Pkwy. E. Suite 175, Houston Tx 77032

PHONE NUMBER: 281 783-9290 FAX NUMBER: 281 677-4224  
 area code phone number area code fax number

EMAIL ADDRESS: jswanson@jbslegal.org

CAUSE NO. 201826579

RECEIPT NO.

75.00

CTM

\*\*\*\*\*

TR # 73485496

PLAINTIFF: RICHMOND, DAVID  
 vs.  
 DEFENDANT: OCWEN LOAN SERVICING LLC

In The 334th  
 Judicial District Court  
 of Harris County, Texas  
 334TH DISTRICT COURT  
 Houston, TX

## CITATION (CERTIFIED)

THE STATE OF TEXAS  
 County of Harris

TO: OCWEN LOAN SERVICING LLC BY SERVING THE REGISTERED AGENT OF SAID  
 COMPANY CORPORATIONS SERVICE COMPANY DBA CSC

211 E 7TH STREET SUITE 620 AUSTIN TX 78701 - 3218

Attached is a copy of PLAINTIFF'S ORIGINAL PETITION

This instrument was filed on the 19th day of April, 2018, in the above cited cause number and court. The instrument attached describes the claim against you.

YOU HAVE BEEN SUED, You may employ an attorney. If you or your attorney do not file a written answer with the District Clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of 20 days after you were served this citation and petition, a default judgment may be taken against you.

## TO OFFICER SERVING:

This citation was issued on 19th day of April, 2018, under my hand and seal of said Court.

Issued at request of:

SWANSON, JASON BERNARD  
 1300 N. SAM HOUSTON PKWY EAST, STE.  
 175  
 HOUSTON, TX 77032  
 Tel: (281) 783-9290  
 Bar No.: 24083927



*Chris Daniel*

CHRIS DANIEL, District Clerk  
 Harris County, Texas  
 201 Caroline, Houston, Texas 77002  
 (P.O. Box 4651, Houston, Texas 77210)

Generated By: ELDRIDGE, WALTER F J8P//10932784

## CLERK'S RETURN BY MAILING

Came to hand the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, and executed by mailing to Defendant certified mail, return receipt requested, restricted delivery, a true copy of this citation together with an attached copy of PLAINTIFF'S ORIGINAL PETITION to the following addressee at address:

(a) ADDRESSEE

## ADDRESS

Service was executed in accordance with Rule 106  
 (2) TRCP, upon the Defendant as evidenced by the return receipt incorporated herein and attached hereto at

on \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_  
 by U.S. Postal delivery to \_\_\_\_\_

This citation was not executed for the following reason: \_\_\_\_\_

CHRIS DANIEL, District Clerk  
 Harris County, TEXAS

By \_\_\_\_\_, Deputy

N.INT.CITM.P

\*73485496\*

RECORDER'S MEMORANDUM  
 This instrument is of poor quality  
 at the time of imaging

CAUSE NO. 201826579

RECEIPT NO.

75.00

CTM

\*\*\*\*\*

TR # 73485496

PLAINTIFF: RICHMOND, DAVID  
vs.  
DEFENDANT: OCWEN LOAN SERVICING LLC

In The 334th  
Judicial District Court  
of Harris County, Texas  
334TH DISTRICT COURT  
Houston, TX

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County of Harris

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Issued at request of:

SWANSON, JASON BERNARD  
1300 N. SAM HOUSTON PKWY EAST, STE.  
175  
HOUSTON, TX 77032  
Tel: (281) 783-9290  
Bar No.: 24083927



*Chris Daniel*

CHRIS DANIEL, District Clerk  
Harris County, Texas  
201 Caroline, Houston, Texas 77002  
(P.O. Box 4651, Houston, Texas 77210)

Generated By: ELDRIDGE, WALTER F J8P//10932784

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\_\_\_\_\_

## ADDRESS

(a) ADDRESSEE

Service was executed in accordance with Rule 106  
(2) TRCP, upon the Defendant as evidenced by the return receipt incorporated herein and attached hereto at

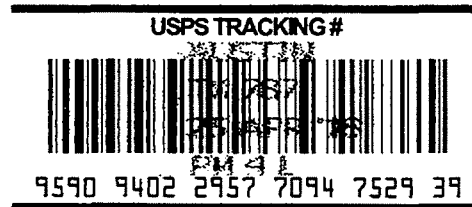
on \_\_\_\_\_ day of \_\_\_\_\_,  
by U.S. Postal delivery to \_\_\_\_\_

This citation was not executed for the following reason: \_\_\_\_\_

CHRIS DANIEL, District Clerk  
Harris County, TEXAS

By \_\_\_\_\_, Deputy

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY																
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <b>Kyle Ratzlaff</b> <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <b>Kyle Ratzlaff</b> Date of Delivery <b>APR 25 2018</b></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below <b>2018-26579</b></p>																
<p>1. Article Addressed to:</p> <p><b>2018-26579 334</b></p> <p><b>OCWEN LOAN SERVICING LLC BY SERVING THE REGISTERED AGENT OF SAID COMPANY CORPORATION SERVICE COMPANY DBA CSC 211 E 7<sup>TH</sup> STREET SUITE 620 AUSTIN, TX 78701 - 3218</b></p> <p><b>9590 9402 2957 7094 7529 39</b></p>	<p>3. Service Type</p> <table border="0"> <tr> <td><input type="checkbox"/> Adult Signature</td> <td><input type="checkbox"/> Priority Mail Express®</td> </tr> <tr> <td><input type="checkbox"/> Adult Signature Restricted Delivery</td> <td><input type="checkbox"/> Registered Mail™</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail®</td> <td><input type="checkbox"/> Registered Mail Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail Restricted Delivery</td> <td><input type="checkbox"/> Return Receipt for Merchandise</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery</td> <td><input type="checkbox"/> Signature Confirmation™</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td> <td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Insured Mail</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</td> <td></td> </tr> </table>	<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®	<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™	<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery	<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise	<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™	<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery	<input type="checkbox"/> Insured Mail		<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	
<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®																
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<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)																	
<p>2. Article Number (Transfer from service label)</p> <p><b>7017 1450 0001 3436 8721</b></p>																	
<p>PS Form 3811, July 2015 PSN 7530-02-000-9053</p> <p style="text-align: right;">Domestic Return Receipt</p>																	



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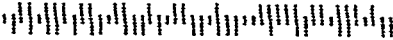
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**CAUSE NO. 2018-26579**

**DAVID RICHMOND AND ANGELIA  
RICHMOND,**

**Plaintiffs,**

**v.**

**OCWEN LOAN SERVICING, LLC**

**Defendant.**

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**IN THE DISTRICT COURT**

**334TH JUDICIAL DISTRICT**

**HARRIS COUNTY, TEXAS**

**DEFENDANT'S ORIGINAL ANSWER AND**  
**AFFIRMATIVE DEFENSES**

Defendant Ocwen Loan Servicing, LLC ("Ocwen") files this Original Answer and Affirmative Defenses to Plaintiffs' Original Petition ("Petition") and respectfully shows as follows:

**I. GENERAL DENIAL**

1. Pursuant to Rule 92 of the Texas Rules of Civil Procedure, Ocwen denies each and every claim, charge, and allegation contained in Plaintiffs' Petition and requests that the Court require Plaintiffs to prove their claims by a preponderance of the credible evidence.

**II. AFFIRMATIVE DEFENSES**

2. Plaintiffs have failed to state a claim upon which relief may be granted.
3. Defendant is equitably and contractually subrogated as to all of the claims contained in Plaintiffs' suit.
4. Some or all of Plaintiffs' claims are barred due to their prior material breach of the contract at issue.
5. Some or all of Plaintiffs' claims are barred by the statute of frauds.
6. Some or all of Plaintiffs' claims are barred by waiver or estoppel.
7. Some or all of Plaintiffs' claims are barred by the statute of limitations.

8. Some or all of Plaintiffs' claims are barred because Plaintiffs are unable to prove their alleged losses, damages, and/or injuries in accordance with Texas law.

9. Some or all of Plaintiffs' claims are barred because Defendant's conduct was not the producing, nor the proximate, cause of Plaintiffs' alleged losses, damages, and/or injuries.

WHEREFORE, Ocwen prays that this Court enter judgment that Plaintiffs take nothing on their alleged claims, that the Petition be dismissed in its entirety, and for such other and further relief to which Ocwen may be entitled.

Respectfully submitted,

By: /s/ Amanda R. Laviage

AMANDA R. LAVIAGE

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Houston, TX 77002

MCGLINCHEY STAFFORD

Telephone: (713) 520-1900

Facsimile: (713) 520-1025

*Attorney for Ocwen Loan Servicing, LLC*

**CERTIFICATE OF SERVICE**

I certify that a correct copy of the foregoing has been forwarded in accordance with the Texas Rules of Civil Procedure on this 18<sup>th</sup> day of May, 2018, as follows:

**Via Texas E-Filing and/or CMRRR**

Jason B. Swanson

Petite Law PLLC

1300 N Sam Houston Parkway E., Ste. 175

Houston, Texas 77032

*Attorney for Plaintiffs*

/s/ Amanda R. Laviage

Amanda R. Laviage